

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:

Examiner:

Applicants: Salvatore J. Folino et al.

Serial No: 09/913,233

Filing Date: August 10, 2001

For: GASKET INSTALLATION APPARATUS

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicant encloses herewith a Petition under 37 C.F.R. §1.47(a) and a copy of the Notice of Missing Requirements to which the above-mentioned Petition is a response. Applicant also encloses fees in the amount of \$260.00 for the surcharge for the Response to the Notice of Missing Requirements and for the fee associated with the filing of the Petition Under 37 C.F.R. §1.47(a).

The Commissioner is hereby authorized to charge any overpayment or underpayment of the above fee associated with this Communication to Deposit Account No. 50-1759. A duplicate copy of this form is attached.

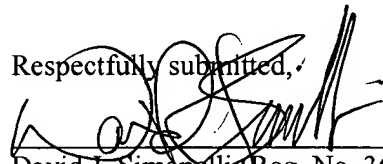
11/30/2001 HNGUYEN 00000120 09913233

01 FC:154

130.00 OP

Dated: 27 Nov 01
Attorney Docket No. 19345-087835

Respectfully submitted,


David J. Simonelli (Reg. No. 36,680)
Clark Hill PLC
500 Woodward Avenue, Ste. 3500
Detroit, MI 48226-3435
(313) 965-8300

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RECEIVED

24 JAN 2002

Legal Section
International DivisionPETITION UNDER 37 C.F.R. § 1.47(a)Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Notice of Missing Requirements Under 35 U.S.C. § 371 mailed September 27, 2001, Applicant hereby petitions the Assistant Commissioner to treat the first named inventor, Mr. Salvatore J. Folino, as hostile for refusing to forward the executed Declaration/Power of Attorney under 37 C.F.R. § 1.497 to the office of the undersigned for eventual filing with the United States Patent and Trademark Office. Applicant submits herewith the requisite surcharge of \$130.00 for the Response to the Notice of Missing Requirements, along with the fee of \$130.00 for the filing of this Petition.

11/30/2001 MNGUYEN 00000120 09913233

02 FC:122

130.00 OP

The facts surrounding the unsigned Declaration/Power of Attorney are as follows:

1. The inventors, Messrs. Salvatore J. Folino, Peter Vert and Cecil Beauman ("the Inventors") invented a gasket installation apparatus. This was the subject matter of a United States provisional patent application having a serial number of 60/119,390 and a filing date of February 10, 1999.

2. The Inventors assigned all right, title and interest in and to the above-mentioned provisional patent application, as evidenced by an assignment (Attachment 1).

3. A PCT patent application having an International Application Number PCT/CA00/00128, was filed on February 10, 2000. This PCT patent application claims priority to the above provisional patent application. See the publication notice attached hereto (Attachment 2).

4. The above-captioned patent application, having a United States serial number 09/913,233 and a filing date of August 10, 2001 was filed claiming priority to the originally filed provisional patent application through the above-identified PCT patent application. This is evidenced by the transmittal letter for the above-captioned patent application for which this petition has been prepared and filed (Attachment 3).

5. Mr. Vert executed a Declaration/Power of Attorney under 37 C.F.R. § 1.497 on September 19, 2001 for the above-captioned patent application. Mr. Beauman executed a Declaration/Power of Attorney under 37 C.F.R. § 1.497 on September 25, 2001 for the same patent application. Both inventors signed the Declaration/Power of Attorney on their own behalf and on the behalf of Mr. Folino (Attachment 4).

6. On September 25, 2001, Mr. Jeffrey T. Imai, Chief Patent Counsel at Magna International Inc. (the parent company of Tesma International, Inc.) sent a copy of the patent application and a copy of the Declaration/Power of Attorney under 37 C.F.R. § 1.497 to Mr. Folino's home address (Attachment 5).

7. Mr. Folino did not respond to the September 25, 2001 letter nor did Mr. Folino execute and return the Declaration/Power of Attorney.

Mr. Folino's home address is 64 Center Avenue, Willowdale, Ontario, Canada M2M 2L5. Applicant respectfully requests that the Assistant Commissioner accept the efforts of the Applicant and allow the Applicant to prosecute the patent application to its best ability as the patent application is an asset of the Applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Petition is directed.

Respectfully submitted,



David J. Simonelli (Reg. No. 36,680)
Clark Hill PLC
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